FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO.8224 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Virag Tulzapurkar, Senior Advocate i/b. Mr.Vineet B. Naik for the Petitioner.

Mr.S.D.Dharmadhikari & M.S.Chatage for the Respondent.

CORAM : S.J.VAZIFDAR, J.
DATED : 16TH JANUARY, 2007

P.C:

Prima-facie, it appears that no final report has been filed by the learned Commissioner. This is clear inter-alia from the application dated 1.3.2004 filed by the learned Commissioner before the learned Judge.

2. In the circumstances, there is no question of the issue regarding the validity of the effect of the Commissioner's report, to be decided at the final hearing of the suit. The

learned Judge is directed to pass orders on the Commissioner’s letter dated 1.3.2004 (Exhibit "H" to the petition).

3. Needless to add that while passing directions, the Commissioner shall also be directed to file his report, taking into consideration and, in accordance with the provisions of the Partnership Act and, in particular, section 48 thereof.

4. In the circumstances, the impugned order is set aside and the learned Judge shall decide the application (Exhibit "H" to the petition) as expeditiously as possible.

5. Writ Petition is disposed of accordingly.

6. All contentions of the parties are kept open.